### REVISED EXHIBIT 4

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action

#### United States District Court

for the

Northern District of Illinois

	Northern Di	strict of fiffiors		
AT Fo Ci	re Application of TIKU ABUBAKAR  or an Order Directing Discovery from HICAGO STATE UNIVERSITY ursuant to 28 U.S.C. § 1782	) ) Civil Action N ) )	To. 23-cv-05099	
	SUBPOENA TO TESTIFY AT A	DEPOSITION IN A	CIVIL ACTION	
To:	Chicago State U	niversity, Admin. Room Drive, Chicago, Illinois	128	
		whom this subpoena is dire		
deposition party serving	stimony: YOU ARE COMMANDED to appear to be taken in this civil action. If you are an orging this subpoena about the following matters, officers, directors, or managing agents, or designates:	ganization, you must pr or those set forth in an a	omptly confer in goo ttachment, and you n	d faith with the nust designate one
35	ECHERT LLP 5 West Wacker Drive, Suite 3400 nicago, Illinois 60601	Date and Tin	ne:	
Th	e deposition will be recorded by this method:	In-person		
ele	oduction: You, or your representatives, must a actronically stored information, or objects, and atterial:			
Rule 45(d),	e following provisions of Fed. R. Civ. P. 45 are, relating to your protection as a person subject this subpoena and the potential consequences of	to a subpoena; and Rul		
Date:	CLERK OF COURT	OR		
			/s/ Angela	
	Signature of Clerk or Deputy (	Clerk	Attorney's sign	ıature
The name,	address, e-mail address, and telephone number	• •	nting (name of party) ssues or requests this	Atiku Abubakar subpoena, are:
Angela Liu;	35 West Wacker Dr., Suite 3400, Chicago, Illin		-	-

#### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 23-cv-05099

#### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

(date)	bpoena for (name of individual and title, if an										
☐ I served the su	☐ I served the subpoena by delivering a copy to the named individual as follows:										
		on (date)	; or								
☐ I returned the	subpoena unexecuted because:										
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Tees are \$	for travel and \$	Tor services, for a total	0.00								
I declare under p	enalty of perjury that this information i	s true.									
e:											
		Server's signature									
		Printed name and title									

Additional information regarding attempted service, etc.:

#### Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

#### (c) Place of Compliance.

- (1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- **(B)** within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

#### (2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
  - (B) inspection of premises at the premises to be inspected.

#### (d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- **(B)** Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- **(B)** When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
  - (ii) ensures that the subpoenaed person will be reasonably compensated.

#### (e) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) *Documents*. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- **(B)** Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- **(D)** Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

#### (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

#### <u>ATTACHMENT A</u>

#### I. **DEFINITIONS**

Unless otherwise defined, all words and phrases used herein shall be accorded their usual meaning and shall be interpreted in their common, ordinary sense. As used in these Requests, the words and terms set forth below shall be defined as follows:

- 1. "Applicant" means Atiku Abubakar.
- 2. "CSU" refers to Chicago State University and any of its current or former agents, employees, attorneys, representatives or any other individual or entity acting for its benefit or on its behalf.
- 3. "Documents" is synonymous to and coextensive with its meaning in Federal Rule of Civil Procedure 34. "Documents" shall include, but are not limited to: all objects, tangible or intangible, from which information may be derived, however reproduced, including any recording in any tangible form of any information, whether handwritten, typed, printed, stored electronically on computer disks, tapes, or databases, or otherwise stored or reproduced. Further, "documents" includes, but is not limited to: books, pamphlets, periodicals, letters, reports, memoranda, drafts, handwritten notes, notations, messages, e-mails, text messages, facsimiles, voicemails, records, videotapes, studies, analyses, summaries, bulletins, instructions, minutes, photographs, tabulations, questionnaires, surveys, drawings, sketches, working papers, charts, graphs, indices, tapes, correspondence, agreements, trip reports, releases, estimates, opinions, electronic or other video and/or audio recordings of any kind, transcriptions, or any and all other written, printed, typed, taped, filmed, or graphic matter or tangible thing, of whatsoever description, however produced or reproduced (including computer stored or generated data, together with instructions and programs necessary to search or retrieve such data), and shall include all attachments and

enclosures to any requested item, which shall not be separated from the items to which they are attached or enclosed.

- 4. "Including" and "including, but not limited to" are intended to illustrate the kind of information responsive to each Request herein. Such examples are not exhaustive of the information sought and shall not be read to limit the scope of the Requests.
- 5. "June 22, 1979 Diploma" means the diploma dated June 22, 1979 purporting to grant Mr. Tinubu the degree of Bachelor of Science from CSU.
- 6. "June 27, 1979 Diploma" means the diploma dated June 27, 1979 purporting to grant Mr. Tinubu the degree of Bachelor of Science from CSU.
- 7. "Mr. Tinubu" means Bola Ahmed Tinubu and any of his agents, attorneys, representatives, or any other individual or entity acting on his behalf.
- 8. ""Referring," "relate to," "related to," and "relating to" shall be construed in their broadest possible sense, and include, but are not limited to: referring to, reflecting, memorializing, comprising, constituting, containing, creating, bearing upon, identifying, supporting, showing, contradicting, defining, discussing, describing, evidencing, setting forth, underlying, commenting upon, forming the basis of, analyzing, deriving or arising from, or mentioning in any way the pertinent subject matter.
- 9. The "Requests" means the document requests in Attachment A of the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action served to You by Applicant, referred to and attached as Exhibit 3.
- 10. "You" and "Your" refers to Chicago State University and any of its current or former agents, employees, attorneys, representatives or any other individual or entity acting for its benefit or on its behalf.

- 11. The "Westberg Affidavit" means the Affidavit of Caleb Westberg, Dkt. 21-1, attached to the Response by Intervenor Bola Tinubu to the Application Under 28 U.S.C. § 1782.
- 12. The use of the singular form of any term shall be construed to include its plural, and vice versa.
- 13. The past tense includes the present tense, and vice versa, when the clear meaning is not distorted by changing the tense.
- 14. To the extent these Topics use a term that is defined by the Federal Rules of Civil Procedure, the term is to be construed in accordance with its definition under the Federal Rules of Civil Procedure and/or applicable law, unless the term is defined more broadly herein.

#### II. INSTRUCTIONS

- 15. Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, You are directed to designate one or more of Your officers, directors, managing agents, or other persons who consent to testify on your behalf and who have knowledge of and are adequately prepared to testify concerning the topics enumerated below.
- 16. No fewer than five (5) days prior to the date of the deposition, Applicant requests that You identify, in writing, the person(s) designated to testify on Your behalf, the job title of such person(s), and the topic(s) on which each such person(s) will testify.
- 17. Your answers to the Topics shall be in accordance with the Federal Rules of Civil Procedure and/or applicable law and the Local Rules of the United States District Court for the Northern District of Illinois.

#### III. TOPICS

Counsel for Applicant Abubakar intends to ask questions of You or Your designated representative on the following Topics:

#### Topic No. 1.

The authenticity of each of the Documents produced by CSU in response to the Requests, including how and where CSU located each such Document.

#### Topic No. 2.

CSU's position on the authenticity of each of the eight (8) Documents purporting to have been issued by CSU that are included in the exhibits to the Complaint in *Enahoro-Ebah v. Tinubu*, First Liu Declaration, Ex. A (attached hereto for ease of reference), and, if CSU's position is that each of the 8 documents is authentic, the basis for that position. This topic includes CSU's position on whether the two documents purporting to be CSU diplomas issued to Tinubu dated, respectively, June 22, 1979, and June 29, 1979, are both authentic diplomas issued by CSU, and, if so, CSU's explanation for the differences between the documents.

#### Topic No. 3.

The contents of the Westberg Affidavit, including factual basis for each assertion made therein.

#### Topic No. 4.

CSU's position on the authenticity of the letter from Mr. Caleb Westberg's letter on CSU letterhead, dated June 27, 2022, addressed "To whom it may concern," Second Liu Declaration Ex. R, and if CSU's position is that that letter is authentic, the reasons that Mr. Westberg (or anyone else at CSU) prepared the letter, including who requested its preparation and to whom it was provided.

#### Topic No. 5.

CSU's position on the authenticity of the documents "certified" by Jamar C. Orr as Associate General Counsel, and submitted in the Nigerian proceedings, including the documents included in Exhibit D to the Uwais Declaration, and if CSU's position is that these documents are

authentic, the reasons that Mr. Orr certified the documents, whether he was authorized by CSU to do so, who requested the documents to be "certified," and to whom the "certified" documents were provided.

### **EXHIBIT** A



September 22, 2022

To Matthew J. Kowals:

Please be advised that Bola A. Tinubu attended Chicago State University from August 1977 - June 1979. He was awarded a Bachelor of Science degree in Business Administration with Honors on June 22, 1979.

The enclosed documentation is all the records we have for Bola A. Tinubu. We do not have a record of any documentation for a: passport, visa, social security card, or driver's attendance.

Respectfully,

Caleb Westberg

Registrar

Office of Records and Registration 9501 South King Drive - ADM 128 Chicago, IL 60628 773-995-2517 (phone) 773-995-3618 (fax)

Care Werang

CSU-Registrar@csu.edu

9501 S. King Drive Chicago, IL 60628 773.995.2000

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csu.edu

# Ahirago State Aminureraith On the recommendation of the faculty of the

College of Business

and under the authority of the Avacd of Trustees, Chicago State University has conferred upon

# Anla A. Timbu

the degree of

# Carhelor of Science

Business and Administration With Horars

with all the rights, honors and privileges pertaining thereto.

signatures together with the seal of the University. In witness thereof, this diploma is granted In testimony whereof, the undersigned officers of Chicago State University have affixed their

this threnty-seventh day of June, A.A. 1979.





Tresident of the University

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#### ChicagoStateUniversity—Academic Record

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95TH ST. AT KING DRIVE
CHICAGO, ILLINOIS 60625-1698
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ACCT	212 COST ACCOUNTING	3 A	WINTER 79	
ACCT	292 BUSINESS LAW II	3 A	ECON 230 QUAN ANALYS BUS/EC 2	A
TERM	EARNED 15.00 GDPT 57.0	GPA 3.80	ENG 128 COMPOSITION II	B
CSU	BARNED 15.00 GDPT 57.0	GPA 3.80	ACCT 293 PEDERAL INCOME TAX	A
CUN	EARNED 42.00 GDPT 57.0	GPA 3.80	ACCT 317 AUDITING	A
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	WINTER 78		INSY 226 DECISION ANAL	A
MATH	152 PRB-CALCULUS II	3 B	TERM EARNED 18.00 GDPT 69.0 GPA 3	. 83
ACCT	213 INTERMED ACCT I	3 A		. 57
ACCT	291 BUSINESS LAW I	3 A	CUM EARNED 111.00 GDFT 300.0 GPA 3	. 57
FIN	265 FINANCIAL MANAGEMENT			
INSY	136 INT COMPUTER INF SYS	3 A	SPRING 79	
MKTO	275 MARKET MANAGEMENT	3 A	ENG 279 BUSINESS WRITING	B
TERM	BARNED 18.00 GDPT 69.0	GPA 3.83	MATH 209 BASIC CALCULUS	B
CSU	BARNED 33.00 GDPT 126.0	GPA 3.82	POL 321 PRIN PUBLIC ADMIN	B
CUM	BARNED 60.00 GDPT 126.0	OPA 3.82	ACCT 394 ADV PED INCOME TAX 3	W
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ART	130 PHOTOGRAPHY I	3 B	CSU EARNED 93.00 GDFT 327.0 GPA 3	. 5 2
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csu	EARNED 39.00 GDPT 147.0	GPA 3.77	DATE: JUNE 22 1979	
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EXHIBIT

accordance with the Family Educational Rights and Privacy Act of 1974, information from all transcript may not be released to a third party without written consent of the student.

Explanatory legend and authenticity confirmation information on back

CHICAGO STATE UNIVERSITY
THIS RECORD IS NOT OFFICIAL UNLESS IT BEARS A SIGNATURE AND SEAL OF THE UNIVERSITY

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CIVIN STATEMENT

#### NIVERSITY OF CAMBRIDGE



#### LOCAL EXAMINATIONS SYNDICATE

This is to certify that the candidate named below sat for a joint Examination for the Higher School Certificate and General Certificate of Education and qualified for the award of a

#### GENERAL CERTIFICATE OF EDUCATION

The candidate passed at the level shown (Principal or Subsidiary) in the subject(s) named and attained the standard of the G.C.E. Advanced or-Ordinary Level pass as indicated.

BOLA A. TINUBU

" NO28705

H.S.C. Standard SUBSIDIARY PRINCIP.L PRINCIPAL

G.C.E. Standard ORDINARY ADVARCED ADVANCED

GRADE E GRADE.

SUBJECTS RECORDED THREE

PHYSICS

CHEMISTRY

BIOLOGY

EXAMINATION OF MOVEMBER/DECEMBER 1970

(See overleaf)

Olven Chadwick

Vice-Chancellor

AND THE PROPERTY

Note: This transcript is not vaid for transfer to another institution without official senature and implied to entering stat.  Student is entitled to kionerable Dismissal and is in good standing unless otherwise noted.  * No Credit Toward A. A. Degree  **PORMA 2		ECOM C201 PRINCIPLES OF ACCOUNTING	TINUBU BULA A HONORS LIST SUMM ER	BUS  ENGLISH DIDI FUNDAMENTALS OF ACCOLUTING PCL SCI DIDI COMPOSITION  PSYCH DIDI GENERAL GOVERNMENT PSYCHOLOGY  SOC SCI DIDI GENERAL COURSE I SGC SCI DIDI FUNDAMENTALS GF SPEECH	TINUBU BGLA A SPRING	HUN DILL INTRODUCTION TO MUST OSS	6167 (A.1.2) INCALA	DEPT. NAME NO. DESCRIPTIVE COURSE TITLE	SEM HRS. SCHOOL	Flame City and State COLLEGE RECORD	HIGH SCHOOL	Date of Sex. F. SS No. 231-069-595	Address 7741 S. Shore Dr. Chicago 60649	Name Tinuby Bola A.
object official signature and Oate AUC 1 7 1947	Constitution and the code of the First	I 3 .00 B EXEMPTIONS	SUMMER SEMESTER 77	1N6 3.00 C 3.00	SPRING SEPESTER 77	3.5 3.5 3.5 3.5 3.5 3.5 3.5 3.5 3.5 3.5	231960953	SEN, G.: ADIC HRS.	DATE(S) STATUS	Graduated	Rank	Energe 176		7009 S. Pulaski Road, Chicago 60652
REGISTRAR	The state of the s	HONORS												

HIGH COURT OF FCT
NAME COURT O